

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH HORTON,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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ORDER
04 CV 4591 (NGG)

GARAUFIS, United States District Judge:

On October 26, 2004, Plaintiff Joseph Horton ("Plaintiff"), *pro se*, filed the instant action. On August 8, 2005, Defendant Jo Anne Barnhart served Plaintiff with a motion for judgment on the pleadings. According to this court's Order of December 18, 2004, Plaintiff's opposition to Defendant's motion was due within thirty days of the filing of Defendant's motion, or September 7, 2005. Plaintiff did not file any opposition to Defendant's motion.

In light of Plaintiff's failure to oppose Defendant's motion for judgment on the pleadings, on July 6, 2007, this court ordered Plaintiff to notify the court in writing if it wished to proceed with the case. On July 19, 2007, Plaintiff wrote the court a letter stating that "I have no interest in pursuing this case" because a subsequent application for Social Security benefits was granted. As a result, this case is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

SO ORDERED:

/signed/

Nicholas G. Garaufis
United States District Judge

Dated: July 30, 2007
Brooklyn, New York